

2013 DRAFTING REQUEST

Bill

Received: 11/30/2012 Received By: rkite
Wanted: As time permits Same as LRB:
For: André Jacque (608) 266-9870 By/Representing: himself
May Contact: Drafter: rkite
Subject: Nat. Res. - fish and game Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Jacque@legis.wi.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Unattended decoys left in water

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 12/3/2012	jdye 12/5/2012		_____			
/1			jmurphy 12/5/2012	_____	sbasford 12/5/2012	lparisi 4/5/2013	

FE Sent For:

<END>

Not
needed

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/?	rkite	12/5 jld		jm s PH 12/5/12			

FE Sent For:

<END>

Kite, Robin

From: Rep. Jacques
Sent: Thursday, November 29, 2012 8:11 AM
To: Kite, Robin
Subject: FW: Private ponds decoy bill draft

Hello, Robin!

Could you please redraft LRB 4339 (decoys in private ponds) for the upcoming session, incorporating the two changes suggested by the DNR below?

Thanks!
André

From: Jacques, Andre
Sent: Tuesday, July 31, 2012 9:52 PM
To: Murphy, Michael
Subject: FW: Private ponds decoy bill draft

From: Paul Becker [mailto:pbecker@riversidefoods.com]
Sent: Tuesday, July 31, 2012 8:37 AM
To: Jacques, Andre
Subject: FW: Private ponds decoy bill draft

Andre

Went to some of our Pro's in the DNR that I have a good working relationship with

Here is some suggestions from them and it makes sense after talking to them

It was good to see you last week

Paul

From: Hansen, Thomas R - DNR [mailto:Thomas.Hansen@wisconsin.gov]
Sent: Friday, July 27, 2012 1:43 PM
To: pbecker
Cc: Volenberg, Ryan M - DNR; Stroess, Robert D - DNR; Cords, Jeremy L - DNR; Van Haren, Thomas - DNR
Subject: RE: Private ponds decoy bill draft

Paul: Per our phone discussion this AM, I have concerns that the last phrase in your proposed language; *"if the private property owner does not allow public access to the water"* is ambiguous. From an enforcement stand point, what does this really mean?

- Scenario where there is a navigable stream entering the water: A person may own all of the land around this water, but the public is still entitled to access it via the stream, even though the property owner objects – property owner could argue that they can leave out unattended decoys because they are "not allowing" public access, rather the public is accessing the pond via the stream over their objections.

- Scenario where the property owner gives friends permission to hunt on the private water: By granting permission, is the property owner allowing some limited public access which would negate the intent of your proposal?

You explained that you are pursuing a law change to allow hunters to leave unattended decoys on private ponds the same as on private upland. The criterion for such waters to qualify for this exemption is that there is no public access to the pond via streams or a public right-a-way (such as an abutting road). Based on our discussion, I believe the following wording would more accurately convey your intent:

29.927 (7) Any decoys left in the water unattended. This subsection does not apply to decoys that are placed in a completely landlocked water located entirely on private property under single ownership.

In addition as we discussed, the proposed statutory amendment that you forwarded to me only addresses the issue of "public nuisances". To address the issue associated with unattended decoys in a hunting situation would require the Natural Resources Board to amend NR 10.12(1)(g)4., Wis. Administrative Code with similar language.

NR 10.12 Migratory game bird hunting.

(1) PROHIBITED METHODS. No person shall hunt any migratory game bird by any of the following methods:

(g) Decoy use. By the use or aid of decoys which are or have been:

1. Placed beyond 200 feet from the blind or cover in which the hunter is located.
2. Placed in the water more than one hour before the open hunting time.
3. Left in the water more than 20 minutes after the close of hunting time.
4. Left in the water unattended.
5. This section does not apply to decoys that are placed in a completely landlocked water located entirely on private property under single ownership.

Again, thank you for the information relating to wholesale fish purchases.

Tom

From: Paul Becker [<mailto:pbecker@riversidefoods.com>]

Sent: Thursday, July 26, 2012 2:58 PM

To: Volenberg, Ryan M - DNR; Stroess, Robert D - DNR; Cords, Jeremy L - DNR

Cc: Hansen, Thomas R - DNR

Subject: FW: Private ponds decoy bill draft

Gentleman

Seeing you are the professionals to enforce this I thought I would seek your wisdom

Any thoughts??? Verbiage??

Hope you are having a good summer

Paul Becker
Riverside Foods
riversidefoods.com
800-678-4511 x118

riverside
foods

Innovative Appetizers, Legendary Seafood

From: Jacque, Andre [<mailto:Andre.Jacque@legis.wisconsin.gov>]

Sent: Thursday, July 26, 2012 1:48 PM

To: pbecker

Subject: Private ponds decoy bill draft

Hi Paul!

Great to see you yesterday and meet your father-in-law. As it happens, I just had the attached bill draft emailed back to me today and wanted to pass it along... please let me know if you or your dad would like to see any changes.

Best Regards,
André

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Robin N. Kite, Senior Attorney, at (608) 266-7291, at robin.kite@legis.wisconsin.gov, or at One East Main Street, Suite 200.



State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
not run

0671/1

LRB-4339/1

RNK:jld:ph

stays

201³ BILL

In
12/3

1
2

AN ACT ^{regen. cat.} to amend 29.927 (7) of the statutes; relating to: decoys placed for
migratory game bird hunting. ✓

in water

Analysis by the Legislative Reference Bureau

Under current law, it is public nuisance to allow a decoy to be left unattended in a body of water. This bill specifies that a decoy that is left unattended in a body of water is not a public nuisance if the decoy is placed in water located entirely on private property, if the decoy is placed to aid persons engaged in hunting migratory game birds, and if the private property owner does not allow public access to the body of water.

INS.
ANALYSIS

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.927 (7) ✓ of the statutes is amended to read:

29.927 (7) Any decoys left in the water unattended. This subsection does not apply to decoys that are placed in water located entirely on private property if the decoys are placed to aid persons engaged in hunting migratory game birds and if the private property owner does not allow public access to the water.

(END)

plain
period
INS. 13-7

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0671/lins.
RNK:.....

INSERT ANALYSIS

^{no 4} the Department of Natural Resources[✓] may not prohibit certain decoys to be left unattended in water and that leaving such decoys is not a public nuisance. Under the bill, a decoy may be left unattended in water if it is placed in the water to aid persons engaged in hunting migratory game birds,[✓] if the water is landlocked,[✓] and if the water is entirely confined on the private property of only one property owner ^{NO 4}

INSERT 1-7A

1 , except as provided under s. 29.618 ^{NO 4}

INSERT 2-7B

INS 1-3

2 [✓]
SECTION 1. 29.618 of the statutes is created to read:

3 **29.618 Unattended decoys in water.** [✓] The department may not prohibit a
4 person from leaving a decoy in water unattended, if [✓] all of the following apply:

5 (1) The person places the decoy in the water to aid persons engaged in hunting
6 migratory game birds. [✓]

7 (2) The water is landlocked. [✓]

8 (3) The water is entirely confined on the private property of only one property
9 owner. [✓]

(end ins 1-3)

move

Parisi, Lori

From: Julian, Jamie
Sent: Friday, April 05, 2013 9:16 AM
To: LRB.Legal
Subject: Draft Review: LRB -0671/1 Topic: Unattended decoys left in water

Please Jacket LRB -0671/1 for the ASSEMBLY.